

7-49. Emergency Powers (1200 TN 350 7-49)

1. **AUTHORITY.** Pursuant to Section 303 of the Clean Air Act, to make findings; to consult with state and local authorities; and to take action, including issuing emergency administrative orders.
2. **TO WHOM DELEGATED.** The directors, Air Protection Division (APD); Land and Chemicals Division (LCD); Hazardous Site Cleanup Division (HSCD); and Office of Enforcement, Compliance and Environmental Justice (OECEJ).
3. **LIMITATIONS.**
 - a. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authority to issue orders. The RC may waive concurrence in writing.
 - b. The director LCD may exercise these authorities only in asbestos NESHAP cases under 40 C.F.R. Part 61, Subpart M.
 - c. The director HSCD may exercise these authorities only in CAA Section 112 cases for under 40 C.F.R. Part 68 and/or CAA Section 112(r)(1), the General Duty Clause.
 - d. The director OECEJ may exercise these authorities only in multi-media cases.
 - e. The delegates must consult with OECA's National Significant Issues (NSI) Guidance and meet all requirements prior to exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, and no further. The authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **REFERENCES.**
 - a. For referral of emergency Temporary Restraining Orders, see the Chapter 7 delegation entitled "Emergency TROs."
6. **SUPERSESSON.** Delegations Manual, Clean Air Act, Regional Delegation 7-49. Emergency Administrative Powers, 1200 TC RIII-158, (September 28, 2004).

Date 1/18/2017


Shawn M. Garvin
Regional Administrator

